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8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 Fidelina Torees and Abel Ernesto Ortega-Ozuna,
11 Husband and Wife,

Case No.: 2:22-cv-1665

12 Plaintiff,

**Cardenas Markets LLC's Petition for
13 Removal**

14 vs.
15 Cardenas Markets, LLC; Doe Employee; Does II
through V and Roe Corporations VI through X,
inclusive,

16 Defendant.

17 Cardenas Markets, LLC petitions to remove this case to the United States District Court
18 for the District of Nevada from the Eighth Judicial District Court for the State of Nevada. This
19 petition for removal is signed per Rule 11.

20 Removal is appropriate per 28 U.S.C. § 1441 because diversity jurisdiction is present per
21 28 U.S.C. 1332. Plaintiffs Fidelina Torres and Abel Ernesto Ortega-Ozuna allege they are
22 residents of Nevada.¹ Cardenas Markets, LLC's sole member is Cardenas Holdings, LLC, whose
23 sole member is Hispanic Food Holdings, LLC. Hispanic Food Holdings, LLC's members are 1)
24 Cardenas Markets, Inc, a California entity with its principal place of business in California; 2)
25 NMFP Holdings, Inc., a California entity with its principal place of business in California; and 3)
26 Train Investment Trust, whose trustee is a California citizen.

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1¹ ECF No. 1-2 at ¶ 1.

1 Plaintiff's filed their complaint on August 29, 2022 alleging injury from a slip and fall
 2 event occurring on September 9, 2020.² On October 3, 2022 Plaintiff filed a procedural motion in
 3 state court alleging as a result of her injuries that she has received medical care costing
 4 \$26,914.50.³ She also notes she has a surgical recommendation for her right knee that is estimated
 5 to cost between \$40,000 to \$60,000. Plaintiff's combined medical treatment creates an amount in
 6 controversy that exceeds \$75,000.

7 Based upon this, diversity jurisdiction is present and timely invoked.

8 DATED this 3rd day of October, 2022.



11 BY: /s/ Michael Lowry
 12 MICHAEL P. LOWRY, ESQ.
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 13 JONATHAN C. PATTILLO, ESQ.
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 14 Attorneys for Cardenas Markets, LLC

15 **Certificate of Service**

16 Pursuant to NRCP 5, I certify on October 3, 2022, I served **Cardenas Markets LLC's**
 17 **Petition for Removal** as follows:

18 by placing same to be deposited for mailing in the United States Mail, in a sealed
 envelope upon which first class postage was prepaid in Las Vegas, Nevada;

19 via electronic means by operation of the Court's electronic filing system, upon each
 20 party in this case who is registered as an electronic case filing user with the Clerk;

21
 22 SIMON LAW
 23 810 S. Casino Center Blvd.
 Las Vegas, NV 89101
 Attorneys for Plaintiff

24 BY: /s/ Michael Lowry
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 28 ² ECF No. 1-2 at ¶¶ 10-12.

³ ECF No. 1-4.